

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PAUL A. COHEN

vs.

GEORGE WAGNER, et al.

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CIVIL ACTION
NO. 13-cv-674

ORDER

AND NOW this 16th day of January, 2014, upon consideration of the motions and other requests now pending in the above-captioned action, it is ORDERED that:

1. Plaintiff's motion for appointment of counsel (Dkt. No. 15) is DENIED without prejudice;
2. Plaintiff's requests for temporary restraining orders and injunctive relief (Dkt. Nos. 12, 13, 40, 41, 44 and 53) are DENIED as moot;
3. The motion to dismiss by defendants Warden George Wagner, Officer Matta, Sergeant Svenson, Officer Dew, Officer Gerry and Lt. Castro (Dkt. No. 46) is GRANTED and plaintiff's claims against them are DISMISSED;
4. Defendant Chaplain Larry Mast's motion to dismiss (Dkt. No. 47) is GRANTED and plaintiff's claims against him are DISMISSED;
5. Plaintiff's motions for leave to amend and to plead special matters (Dkt. Nos. 24, 29, 30, 35, 36, 37, 38, 39, 55 and 57) are DENIED;
6. Plaintiff's application to proceed in forma pauperis (Dkt. No. 52) is DENIED as moot;
7. Plaintiff's Petition for a Writ of Mandamus Under 28 U.S.C.S. § 1651(a) (Dkt. No. 16) is DENIED; and

8. Plaintiff's motions seeking to compel discovery from Primecare Medical (Dkt. Nos. 45 and 50) are DENIED.

It is FURTHER ORDERED that on or before February 17, 2014, plaintiff is permitted to file a second amended complaint that complies with Fed. R. Civ. P. 8(a) and that provides allegations sufficient to support his claims consistent with the accompanying memorandum of law. Any second amended complaint shall not assert a claim for fraudulent misrepresentation, as such claim has been dismissed with prejudice.

s/Thomas N. O'Neill, Jr.
THOMAS N. O'NEILL, JR., J.